

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIORIS MORALES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 14-CV-2803 (KMK) (LMS)

ORDER ADOPTING R&R

KENNETH M. KARAS, District Judge:

On January 8, 2018, Magistrate Judge Lisa Margaret Smith entered a Report & Recommendation (the “R&R”) recommending that this Court deny the Commissioner’s Motion for Judgment on the Pleadings and grant Plaintiff’s Motion for Judgment on the Pleadings, thereby vacating the decision of the Commissioner of Social Security and remanding for further proceedings. (Report & Recommendation (“R&R”) 1 (Dkt. No. 21).) In the thorough R&R, Judge Smith provided notice that objections to the R&R were due within 14 days and that failure to object would preclude later appellate review of any order of judgment that will be entered. (*Id.* at 31.) No objections were filed.

Because no objections have been filed, the Court reviews the R&R “only for clear error on the face of the record.” *See Brennan v. Colvin*, No. 13-CV-6338, 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015) (internal quotation marks omitted); *see also Iannolo v. Astrue*, No. 10-CV-7602, 2012 WL 523619, at *1 (S.D.N.Y. Feb. 16, 2012) (same). Having reviewed the R&R for clear error and finding none, the Court adopts the R&R in its entirety.


Accordingly, it is hereby:

ORDERED that Plaintiff's Motion is granted and the Commissioner's Motion is denied. The Commissioner's decision is therefore vacated and this case is remanded for rehearing. *See* 42 U.S.C. § 405(g) ("The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment . . . reversing the decision of the Commissioner of Social Security, [and] remanding the cause for a rehearing.")

The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 11, 18), and close this case.

SO ORDERED.

Dated: January 31, 2018
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE